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9  
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 BLUE SUNSETS, LLC and JENCESS  
SOFTWARE & TECHNOLOGIES, INC.,

13 Plaintiffs,

14 v.

15 MYKALAI KONTILAI aka MICHAEL CONTILE  
and COLLECTORS COFFEE, INC dba  
16 COLLECTORS CAFE,

17 Defendants.

Case No. 2:17-cv-01418-JAD-CWH

**MOTION FOR LEAVE TO FILE  
UNDER SEAL**

Filed Under Seal

18 Pursuant to Local Rule ("LR") 10-5, Defendants COLLECTORS COFFEE, INC dba  
19 COLLECTORS CAFE *et al.* ("Defendants") moves this Court to file under seal the parties'  
20 Stipulation to Extend Time to File Response to Plaintiffs' Opposition to Defendants'  
21 Emergency Ex Parte Motion to Seal Plaintiffs' Complaint, Second Request (hereafter, "Second  
22 Stipulation"). Defendants also move this Court to seal ECF Doc. No. 20, which is the parties'  
23 Stipulation to Extend Time to File Response to Plaintiffs' Opposition to Defendants'  
24 Emergency Ex Parte Motion to Seal Plaintiffs' Complaint, First Request (hereafter, "First  
25 Stipulation"). This motion to seal ("Motion") is based upon the pleadings and papers on file  
26 herein and the following memorandum of points and authorities.  
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1     **1.     Introduction.**

2             Defendant Collector Coffee, Inc. (“Collectors Coffee”) and Plaintiffs entered into  
3 written agreements (“Agreements”) wherein Plaintiffs agreed that all business information that  
4 Collectors Coffee disclosed to Plaintiffs would remain confidential given Collectors Coffee’s  
5 unique and proprietary business model. The business model contained exclusive intellectual  
6 property, and Collectors Coffee closely protected its rights and interests due to the nature of its  
7 business. The First Stipulation and Second Stipulation pertain to written briefs submitted to the  
8 Court (*e.g.*, Defendants’ Emergency Ex Parte Motion to Seal Plaintiffs’ Complaint Collectors  
9 Coffee’s, ECF Doc. 4; Plaintiffs’ opposition thereto; and Defendants’ forthcoming response  
10 thereto) that discuss confidential information relating to Collectors Coffee that is protected by  
11 the Agreements.  
12

13  
14             Accordingly, Defendants seeks to file under seal pursuant to LR 10-5 the First  
15 Stipulation and the Second Stipulation.  
16

17     **2.     Legal standard.**

18             Protective orders and filings under seal are “the primary means by which the courts  
19 ensure full disclosure of relevant information, while still preserving the parties’ (and third  
20 parties’) legitimate expectation that confidential business information, proprietary technology  
21 and trade secrets will not be publicly disseminated.” *In re Adobe Sys., Inc., Sec. Litig.*, 141  
22 F.R.D. 155, 161–62 (N.D. Cal. 1992). The party seeking to seal documents attached to a non-  
23 dispositive motion must only demonstrate “good cause,” as opposed to the “compelling  
24 reasons” standard for documents attached to dispositive motions because “the cognizable public  
25 interest in judicial records that underlies the compelling reasons standard does not exist for  
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1 documents produced between private litigants.” *Golden Boy Promotions, Inc. v. Top Rank, Inc.*,  
2 No. 10-CV-01619-RLH, 2011 WL 686362, at \*1 (D. Nev. Feb. 17, 2011).

3       Additionally, when a district court grants a protective order to seal documents during  
4 discovery, “it already has determined that good cause exists to protect this information from  
5 being disclosed to the public by balancing the needs for discovery against the need for  
6 confidentiality.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002).  
7 Further, a court may order the sealing of court records when they contain confidential or  
8 otherwise sensitive business information. *IMAX Corp. v. Cinema Tech., Inc.*, 152 F.3d 1161,  
9 1168 (9th Cir. 1998) (noting that confidential and proprietary business information is “to be  
10 filed under seal.”); *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 694  
11 (9th Cir. 1993) (stating that it “is common now in business litigation” to seal confidential  
12 business information by a stipulated protective order).  
13  
14

### 15 **3. Legal argument.**

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17       Here, good cause exists for allowing Defendant to file the First Stipulation and Second  
18 Stipulation under seal. Simply put, Defendant needs to protect its highly sensitive and  
19 confidential business model and proprietary business information.

20       Pursuant to LR 10-5(d) and LR 4-1(c), contemporaneously with the filing of this  
21 Motion, Defendant will file the Second Stipulation marked “Filed Under Seal” and serve paper  
22 and electronic copies on Plaintiffs, in addition to delivering a paper copy to this Court.  
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1     **4.     Conclusion.**

2             For the foregoing reasons, this Court should enter an order sealing the First Stipulation  
3     and Second Stipulation.

4             DATED this 16<sup>th</sup> day of June 2017.

6                             HUTCHISON & STEFFEN, LLC

7                             /s/ Jeffrey Hall

8                             \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this 16<sup>th</sup> day of June, 2017, I caused the above and foregoing document entitled **MOTION FOR LEAVE TO FILE UNDER SEAL** to be served by:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ to be served via facsimile; and/or
- ☐ pursuant to the Court's electronic filing system; and/or
- X to be hand-delivered; and/or
- X to be emailed;

to the attorneys/parties listed below at the address and/or facsimile number indicated below:

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An employee of Hutchison & Steffen, LLC